

EXHIBIT D

<p style="text-align: right;">Page 10</p> <p>1 A. Not particularly that I can recall.</p> <p>2 Q. There's also her Complaint.</p> <p>3 Is there a reason why you wanted to see the</p> <p>4 Complaint that she made in this case?</p> <p>5 A. I thought it was reasonable since I'm going to</p> <p>6 be testifying.</p> <p>7 Q. So other than skimming Ms. Ruiz's deposition,</p> <p>8 no other case-specific depositions have you reviewed for</p> <p>9 Ms. Ruiz's case; correct?</p> <p>10 A. Correct.</p> <p>11 (Plaintiff's Exhibit 5 was marked for</p> <p>12 identification by the court reporter.)</p> <p>13 BY MR. AYLSTOCK:</p> <p>14 Q. Exhibit 5 is the report of Dr. Iakovlev for</p> <p>15 Ms. Ruiz that was also provided to me by Mr. Thomas.</p> <p>16 Do you recognize that?</p> <p>17 A. Yes.</p> <p>18 Q. The thumb drive we'll mark as Exhibit 6,</p> <p>19 materials that were also provided to me by Mr. Thomas.</p> <p>20 (Plaintiffs' Exhibit 6 was marked for</p> <p>21 identification by the court reporter.)</p> <p>22 BY MR. AYLSTOCK:</p> <p>23 Q. Do you know what materials for Ms. Ruiz are on</p> <p>24 the thumb drive that is Exhibit 6?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 12</p> <p>1 THE WITNESS: Because I rely on his findings to</p> <p>2 form my general opinions, his findings are important to</p> <p>3 my specific opinions.</p> <p>4 BY MR. AYLSTOCK:</p> <p>5 Q. In what way?</p> <p>6 A. In finding no evidence of polypropylene</p> <p>7 degradation.</p> <p>8 Q. Have you reviewed any other expert reports of</p> <p>9 the plaintiffs or the defendants as it relates to</p> <p>10 polypropylene degradation?</p> <p>11 A. Yes.</p> <p>12 Q. Who else?</p> <p>13 A. I have to look.</p> <p>14 MR. THOMAS: We're getting into the general</p> <p>15 report.</p> <p>16 MR. AYLSTOCK: I know, but you just</p> <p>17 supplemented with Dr. McLean, so I need to understand.</p> <p>18 If he had answered the question no, I wouldn't be getting</p> <p>19 into this, but he answered it, apparently it's important</p> <p>20 to his case-specific opinions. So I need to know exactly</p> <p>21 what degradation materials he finds important for his</p> <p>22 case-specific opinions for Ms. Ruiz.</p> <p>23 MR. THOMAS: Different question.</p> <p>24 What reports do you find significant to you for</p> <p>25 your case-specific evaluation of Ms. Ruiz?</p>
<p style="text-align: right;">Page 11</p> <p>1 Q. What are those, please?</p> <p>2 A. The complete medical records. Dr. Iakovlev's</p> <p>3 report is in there as well.</p> <p>4 Q. Anything else that you know of?</p> <p>5 A. Dr. McLean's report is in there as well.</p> <p>6 Q. I don't see that in here.</p> <p>7 A. You don't? Was it in the last one?</p> <p>8 MR. THOMAS: That was the one that was filed,</p> <p>9 the supplemental reliance list. There's one in the</p> <p>10 general report, and then there was a supplemental</p> <p>11 reliance list. The only reports produced is the Iakovlev</p> <p>12 report specific to this case, the deposition transcripts</p> <p>13 specific to this case, and the medical records specific</p> <p>14 to this case.</p> <p>15 BY MR. AYLSTOCK:</p> <p>16 Q. And Dr. McLean's report is not specific to</p> <p>17 Ms. Ruiz; correct?</p> <p>18 A. Correct.</p> <p>19 Q. Nor is Dr. McLean's report specific to</p> <p>20 Ms. Loustana, for that matter?</p> <p>21 A. Correct.</p> <p>22 Q. And with regard to your case-specific opinions,</p> <p>23 you're not relying on Dr. McLean's report for your</p> <p>24 case-specific reports in Ms. Ruiz; correct?</p> <p>25 MR. THOMAS: Object to form.</p>	<p style="text-align: right;">Page 13</p> <p>1 THE WITNESS: In that instance, it would be</p> <p>2 Dr. McLean's report alone.</p> <p>3 BY MR. AYLSTOCK:</p> <p>4 Q. I just want to make sure I cover the waterfront</p> <p>5 on that.</p> <p>6 A. Um-hum.</p> <p>7 MR. AYLSTOCK: Off the record.</p> <p>8 (Recess.)</p> <p>9 (Plaintiffs' Exhibit 7 was marked for</p> <p>10 identification by the court reporter.)</p> <p>11 BY MR. AYLSTOCK:</p> <p>12 Q. Now handing you, Doctor, Exhibit 7, which is</p> <p>13 your report in the Patricia Ruiz case.</p> <p>14 Do you recognize that?</p> <p>15 A. Yes, I do.</p> <p>16 Q. When were you first contacted about being an</p> <p>17 expert in Ms. Ruiz's case on behalf of Johnson & Johnson</p> <p>18 and Ethicon?</p> <p>19 A. The end of last year, 2015, or the beginning of</p> <p>20 this year.</p> <p>21 Q. Who contacted you?</p> <p>22 A. A gentleman by the name of Andy Snowden,</p> <p>23 S-N-O-W-D-E-N.</p> <p>24 Q. What were you told about Ms. Ruiz and her case</p> <p>25 by Mr. Snowden when you were first contacted?</p>

<p style="text-align: right;">Page 54</p> <p>1 well; correct?</p> <p>2 A. Yes, but the hydrogen peroxide is contained</p> <p>3 within very specific cells.</p> <p>4 Q. Well, some of those cells --</p> <p>5 MR. THOMAS: Are you finished?</p> <p>6 THE WITNESS: Yes.</p> <p>7 BY MR. AYLSTOCK:</p> <p>8 Q. What specific cells are they contained in?</p> <p>9 A. They are contained in macrophages and in</p> <p>10 neutrophils, to name the two most common ones where it is</p> <p>11 contained.</p> <p>12 Q. You don't dispute that upon implantation of the</p> <p>13 TVT-S in Ms. Ruiz, macrophages and neutrophils initially</p> <p>14 in the acute phase attempted to deal with the foreign</p> <p>15 body that was the TVT-Secur in Ms. Ruiz; correct?</p> <p>16 MR. THOMAS: Object to form.</p> <p>17 THE WITNESS: There is inflammation that is</p> <p>18 created by the implantation of the mesh.</p> <p>19 BY MR. AYLSTOCK:</p> <p>20 Q. And that inflammation results in hydrogen</p> <p>21 peroxides being formed by the body in proximity to the</p> <p>22 mesh; correct?</p> <p>23 A. Inside of cells, not outside of cells.</p> <p>24 Q. So because we don't have pathological material</p> <p>25 during the acute phase for Ms. Ruiz, you can't rule out</p>	<p style="text-align: right;">Page 56</p> <p>1 degrades polypropylene, it will destroy the cell next to</p> <p>2 it. There's no question that the cellular membranes are,</p> <p>3 by far, more delicate than polypropylene.</p> <p>4 Q. Do we know, because we don't have pathology</p> <p>5 from the acute phase after implantation, that it did, in</p> <p>6 fact, not destroy some of Ms. Ruiz's cells? How do we</p> <p>7 know that?</p> <p>8 A. Every fiber in this specimen has a continuous</p> <p>9 layer that Dr. Iakovlev claims is bark, every single mesh</p> <p>10 fiber. If there was that much hydrogen peroxide creating</p> <p>11 all of that degradation, it is impossible for that tissue</p> <p>12 to have survived it.</p> <p>13 Q. What is your basis for the fact that it takes a</p> <p>14 specified level of hydrogen peroxide to degrade the</p> <p>15 polypropylene in Ms. Ruiz?</p> <p>16 A. Well, there has to be some; right?</p> <p>17 Q. We don't know, in the acute phase, how much was</p> <p>18 there, do we, if any? You don't know that?</p> <p>19 A. For one thing, Dr. Iakovlev says that in the</p> <p>20 acute phase there is no degradation. He needs a year</p> <p>21 before it shows up. That's what Dr. Iakovlev says.</p> <p>22 Second, as I mentioned, to degrade every single</p> <p>23 fiber, every single fiber, the entire complete fiber of</p> <p>24 every strand of mesh, if it had been caused by hydrogen</p> <p>25 peroxide, this tissue would not be alive.</p>
<p style="text-align: right;">Page 55</p> <p>1 the fact that these macrophages and neutrophils that were</p> <p>2 present in the acute phase may have created a biological</p> <p>3 situation that resulted in some degradation of her mesh,</p> <p>4 can you?</p> <p>5 A. I completely disagree with that possibility.</p> <p>6 Q. Why is that?</p> <p>7 A. Because it would have caused enough</p> <p>8 extracellular hydrogen peroxide, which is what you need</p> <p>9 if it's going to be exposed to the mesh; right? Just</p> <p>10 because hydrogen peroxide is inside of a cell doesn't</p> <p>11 matter because it can't get out of the neutrophil. It</p> <p>12 can't get out of the macrophage to affect the mesh and</p> <p>13 degrade it. If it's inside the cell, it doesn't matter.</p> <p>14 If it's outside of the cell and it's in sufficient</p> <p>15 quantities to degrade polypropylene, it would destroy the</p> <p>16 cells around it. It would create an abscess.</p> <p>17 Q. What's the basis for your opinion that -- or at</p> <p>18 what quantity in Ms. Ruiz would the hydrogen peroxide</p> <p>19 needed to have been present to destroy the cells?</p> <p>20 A. In far less quantity than it would to degrade</p> <p>21 polypropylene.</p> <p>22 Q. How do you know what quantity it takes of</p> <p>23 hydrogen peroxide to degrade polypropylene? What is that</p> <p>24 number?</p> <p>25 A. I'm not certain, but I'm certain that if it</p>	<p style="text-align: right;">Page 57</p> <p>1 Q. Well, the body regenerates tissue over time;</p> <p>2 right? Is there some marker that would have been left</p> <p>3 off in the pathological material -- is there some</p> <p>4 marker -- had old cells been killed off by the hydrogen</p> <p>5 peroxide, they wouldn't be there anymore? They would</p> <p>6 have been replaced by new cells; right?</p> <p>7 A. You cannot -- you don't understand. If you're</p> <p>8 saying that in the acute phase there was enough hydrogen</p> <p>9 peroxide there to degrade the polypropylene mesh, that</p> <p>10 tissue would never have healed. It would have been --</p> <p>11 there would have been enough cellular destruction and</p> <p>12 acute inflammation for there to have been a gigantic</p> <p>13 abscess, which does not occur.</p> <p>14 Q. Abscesses don't occur in association with mesh,</p> <p>15 or you're saying it didn't occur in Ms. Ruiz?</p> <p>16 A. It does not occur in the vast majority, in over</p> <p>17 99 percent of patients.</p> <p>18 Q. But it does occur in mesh patients?</p> <p>19 A. Bacterial abscesses, not due to hydrogen</p> <p>20 peroxide.</p> <p>21 Q. Okay. Let me mark your reliance list for</p> <p>22 Ms. Ruiz Number 8.</p> <p>23 (Plaintiffs' Exhibit 8 was marked for</p> <p>24 identification by the court reporter.)</p> <p>25 ///</p>

<p style="text-align: right;">Page 58</p> <p>1 BY MR. AYLSTOCK:</p> <p>2 Q. You recognize that document?</p> <p>3 A. Yes.</p> <p>4 Q. Is this a document created by counsel for</p> <p>5 Ethicon and Johnson & Johnson?</p> <p>6 A. Yes.</p> <p>7 Q. We went over this for Ms. Loustaunau, but if</p> <p>8 you'll turn to the third to the last page, there's</p> <p>9 Patricia Ruiz case specific, Juan Carlos Felix, reliance</p> <p>10 list.</p> <p>11 Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. And it has deposition listed transcript of</p> <p>14 Dr. Buscema and Dr. Kalota.</p> <p>15 Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. And you never reviewed those transcripts, did</p> <p>18 you?</p> <p>19 A. I have not.</p> <p>20 Q. So therefore, you didn't rely on them and don't</p> <p>21 intend to rely on them for your opinions in this case;</p> <p>22 correct?</p> <p>23 A. Correct.</p> <p>24 Q. There's a section as well with regard to</p> <p>25 documents that you were provided a couple pages back.</p>	<p style="text-align: right;">Page 60</p> <p>1 A. The section before?</p> <p>2 Q. Well, there are a large number of medical</p> <p>3 literature articles.</p> <p>4 Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. And these are articles that you reviewed in</p> <p>7 preparation for your report?</p> <p>8 A. Yes.</p> <p>9 Q. And are there any particular articles in this</p> <p>10 reliance list for Ms. Ruiz that you find pertinent to her</p> <p>11 case in particular?</p> <p>12 A. No.</p> <p>13 Q. Same question with regard to the internal</p> <p>14 Ethicon documents, any internal Ethicon document you find</p> <p>15 is particularly pertinent to Ms. Ruiz's case in</p> <p>16 particular?</p> <p>17 A. Not in particular, no.</p> <p>18 Q. The deposition of Dr. Barbolt, did you review</p> <p>19 that deposition?</p> <p>20 MR. THOMAS: In connection with his</p> <p>21 case-specific report, I guess.</p> <p>22 THE WITNESS: I don't recall.</p> <p>23 BY MR. AYLSTOCK:</p> <p>24 Q. Thomas A. Barbolt?</p> <p>25 A. I have to look it up to refresh my memory</p>
<p style="text-align: right;">Page 59</p> <p>1 Do you see that?</p> <p>2 A. Where it says, "Other Materials"?</p> <p>3 Q. "Document Description," right after the medical</p> <p>4 literature.</p> <p>5 A. Yes.</p> <p>6 Q. These were documents selected by Ethicon's</p> <p>7 lawyers to provide to you, internal Ethicon documents; is</p> <p>8 that right?</p> <p>9 A. Correct.</p> <p>10 Q. You didn't ask them for these documents; they</p> <p>11 were sent to you?</p> <p>12 A. Well, I asked them for information regarding</p> <p>13 polypropylene used in TVT.</p> <p>14 Q. And this is the sum total of what you were</p> <p>15 provided for that; correct?</p> <p>16 A. Yes.</p> <p>17 Q. Did you ask them for internal documents related</p> <p>18 to degradation of polypropylene in the TVT family of</p> <p>19 products?</p> <p>20 A. Yes.</p> <p>21 Q. And did you expect them to provide all that</p> <p>22 information to you?</p> <p>23 A. Yes.</p> <p>24 Q. The section before the "Medical Literature"</p> <p>25 section, do you see that?</p>	<p style="text-align: right;">Page 61</p> <p>1 because I did read some depositions here.</p> <p>2 Q. This would have been an Ethicon corporate</p> <p>3 person. He's not a treating physician.</p> <p>4 A. I don't recall.</p> <p>5 Q. It's fair to say, since you didn't review all</p> <p>6 of the deposition transcripts, that this reliance list</p> <p>7 contains things that you actually didn't rely on; fair?</p> <p>8 A. You're correct.</p> <p>9 Q. In your report, you state, in relation to the</p> <p>10 degradation of polypropylene, you state, "There's no</p> <p>11 evidence that this phenomenon occurred in vivo rather</p> <p>12 than as an artifact of processing."</p> <p>13 Do you see that?</p> <p>14 A. Yes.</p> <p>15 Q. What did you mean by that?</p> <p>16 A. When tissues are processed for paraffin</p> <p>17 embedding and eventual sectioning, they go through a</p> <p>18 series of alcohols and organic solvents. Organic</p> <p>19 solvents have been shown to degrade polypropylene.</p> <p>20 Specifically xylenes have been shown to degrade</p> <p>21 polypropylene, and all of these tissues have gone through</p> <p>22 that processing.</p> <p>23 Q. Is that what you claim is being seen in</p> <p>24 Dr. Iakovlev's photomicrographs with the polarized light?</p> <p>25 A. It's one of several possibilities.</p>